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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/693,530

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David L. Rieschick

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11/15/2006

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EXAMINER

MORRISON, THOMAS A

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/693,530

Applicant(s)

RIESCHICK, DAVID L.

Examiner

Thomas A. Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-12,14 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12,14 and 18-21 is/are allowed.
- 6) ☒ Claim(s) 1,5 and 7 is/are rejected.
- 7) ☒ Claim(s) 2,3,6 and 8-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The indicated allowability of claim 4 is withdrawn. The examiner failed to fully appreciate the disclosure of the background section of the instant application. The examiner regrets any inconvenience that may result from this new Office Action.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 20020121738 in view of the numbered paragraphs [0003] and [0004] in the background section of the instant application. The background section of the instant application has been considered admitted prior art.

Regarding claim 1, Figs. 1-4 of U.S. Patent Publication No. 20020121738 show a paper deliverer (10) for a sheeter, the deliverer having a first set of belts (22) in a first conveyer section (16), a second set of belts (22) in a second conveyer section (18) and a third set of belts (22) in a third conveyer section (20). These conveyer sections (16, 18 and 20) are arranged to be coplanar. See Fig. 4 and the numbered paragraph [0020] of U.S. Patent Publication No. 20020121738.

Also, a rippler (including 28 and 30) is disposed between at least some of the first belts (22), the rippler (including 28 and 30) defining a ridge (28) structured to cause a paper passing over the rippler (including 28 and 30) to develop a ripple (38)

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substantially parallel to a direction of movement (MF) within the deliverer. See Fig. 2 for the ripple (38) that is formed parallel to the direction of movement of the sheet. As mentioned above, U.S. Patent Publication No. 20020121738 includes a plurality of conveyer sections with conveyer belts. Thus, U.S. Patent Publication No. 20020121738 does not specifically show first and second sets of vacuum belts and a vacuum roller, as claimed.

However, the numbered paragraph [0003] of the background section of the instant application discloses that it is well known to use a vacuum sheeter as an alternative to belts, in which the vacuum sheeter includes a first set of vacuum belts (line 4 of paragraph [0003]), each belt within the first set having a pair of ends with a pulley at each end (lines 1-2 of paragraph [0003]), and a plurality of apertures defined along the belts (line 3 of paragraph [0003]), and a vacuum chamber disposed below top surfaces of the first set of vacuum belts (lines 2-3 of paragraph [0003]), structured to provide a suction through the apertures (lines 3-4 of paragraph [0003]);

a vacuum roller (line 5 of paragraph [0003]) disposed adjacent to one end of the first set of vacuum belts. The vacuum roller inherently defines a pair of ends. The vacuum roller defines a hollow interior (line 8 of paragraph [0003]), and at least one row of apertures (lines 6-7 of paragraph [0003]), each row of apertures extending axially down a length of the vacuum roller (lines 6-7 of paragraph [0003]), the vacuum roller further comprising a vacuum fitting in communication with the hollow interior (line 8 of paragraph [0003]); and

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a second set of vacuum belts (line 9 of paragraph [0003]) disposed adjacent to the vacuum roller (line 10 of paragraph [0003]), each belt within the second set having a pair of ends with a pulley at each end, and a plurality of apertures defined along the belts. See lines 9-10 of paragraph [0003] which explain that the second set of vacuum belts are similar to the first set but are moving at a slower speed.

Also, lines 9-11 of paragraph [0003] explain that the vacuum roller forms one of the pulleys for the second set of vacuum belts. It is well known in the art to replace belts with a vacuum belt arrangement for the purpose of more securely holding sheets down on such vacuum belt arrangement. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to replace the belt arrangement (i.e., conveyor sections 16, 18 and 20) of U.S. Patent Publication No. 20020121738 with the vacuum sheeter arrangement (i.e., first set of vacuum belts, vacuum roller, and second set of vacuum belts) of the numbered paragraph [0003] of the background section of the instant application, because this merely involves replacing one well-known conveying arrangement with another well known conveying arrangement (vacuum sheeter) that performs substantially the same function with the added advantage of the vacuum sheeter arrangement being able to more securely hold sheets during conveyance. Providing the first set of vacuum belts, the vacuum roller and the second set of vacuum belts of numbered paragraph [0003] in place of the aligned and coplanar belt arrangement in Fig. 4 of U.S. Patent Publication No. 20020121738, will result in the vacuum roller being substantially parallel to the pulleys of the first set of vacuum belts,

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and the second set of vacuum belts being coplanar with the first set of vacuum belts, as claimed.

Regarding claim 5, the combination of U.S. Patent Publication No. 20020121738 and the admitted prior art of paragraphs [0003] and [0004] of the background section disclose all of the elements of claim 5, except for the number of rows of holes in the vacuum roller. It would have been an obvious matter of design choice to provide the vacuum roller with four rows of holes, since applicant has not disclosed that providing more or less rows of holes solves any stated problem or is for any particular purpose and it appears that the invention would perform equally with more rows of holes. One of ordinary skill in the art would have been motivated to provide four rows of holes to provide sufficient suction to the vacuum roller to convey sheets.

Regarding claim 7, line 14 of paragraph [0003] discloses a drive means.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 5 and 7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

4. Claims 12, 14 and 18-21 are allowed. Claims 2-3, 6 and 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

11/03/2006

  
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